

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JESSIE TOMPKINS, SR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06CV325-WKW
)	[WO]
JUDGE JOHN JONES, et al.,)	
)	
Defendants.)	

ORDER ON MOTION

On 8 May 2006, the plaintiff filed a Supplemental Motion For Default Judgment against Jessica Larry ["Larry"], Audra Beasley ["Beasley"], and Christopher Lowery ["Lowery"], defendants in this case (Doc. # 22). He also filed an affidavit in support of the motion, along with the returns of service (Doc. # 23). Upon consideration of the motion, the affidavits, and the exhibits, and for good cause, it is

ORDERED that the motion is DENIED. Although Jessica Larry, Beasley, and Lowery were served with a copy of the summons and complaint on 11 April 2006, 13 April 2006 and 13 April 2006, respectively, and their answers were due before the motion was filed, the court is currently considering the Recommendation entered on 21 April 2006 which advised dismissal of all claims against all three defendants, with prejudice. If the court adopts the Recommendation, valuable resources will have been preserved, including the plaintiff's and the defendants' time and money, and the court's time. If the court rejects the Recommendation, the defendants' answers may still be filed within a reasonable time without

prejudicing the plaintiff.

The court's ruling on the Recommendation will instruct the defendants regarding the proper course of action, and the defendants are not deemed in default.

DONE this 9th day of May, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

